

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IRA MERCER, :
Plaintiff, : 24-CV-2803 (JGLC) (OTW)
-against- :
ORDER
DETECTIVE CHRISTOPHER SALLY, et al., :
Defendants. :
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ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of ECF 55, Defendant The City of New York's ("the City") "Motion for Relief from Obligation to Order Another Copy of November 19, 2024 Conference Transcript."

For the following reasons, the City's application is **DENIED**.

The Court held a status conference on November 19, 2024, at the conclusion of which the Court directed the City to order a transcript of the proceedings and to provide a copy to Mr. Mercer, who is self-represented. (ECF 56 at 16).

The Court became aware of this on May 12 when the transcript did not appear on the docket. Then, it issued a second Order that the City order a transcript, using the transcript order form located at ECF 38, and provide a copy to Mr. Mercer. (ECF 54).

The City filed its instant Motion on May 15 asserting that it had complied with the Court's May 12 Order when it emailed Mr. Mercer the transcript in December. (ECF 55). While it seems that the City did provide a copy of the November 19 transcript to Mr. Mercer, it also

appears that the transcript was not filed on the docket because the City failed to pay for it¹. (ECF 63).

Accordingly, the Court issued a third Order on July 10, 2025 directing the City to immediately pay its outstanding invoice and file a status letter before July 17, 2025 reporting that it had done so. (ECF 62).

On July 17, the City reported to the Court that the invoice is still outstanding due to “an oversight.” (ECF 63). The City has not identified any concrete steps or a date by which it will satisfy its obligation to the Southern District Reporters, despite having enjoyed the benefits of the Reporters’ work for over seven months.

To the extent the City seeks relief from its payment obligations for a transcript that was “ordered” seven months ago and delivered², that request is **DENIED**.

The City is **FURTHER ORDERED** that, by **JULY 31, 2025**, it shall file a letter with the Court either:

- (1) reporting the invoice is paid in full with a supporting paid-in-full invoice; or
- (2) updating the Court on the status of the invoice to include a sworn statement from a representative of the Office of Corporation Counsel’s Fiscal Department explaining both the “oversight” and the date by which it intends to pay the outstanding invoice in full.

The City is directed to serve a copy of this order on Mr. Mercer at his last known address and file proof of service on the docket. No filing or response from Mr. Mercer is needed.

¹ ECF 38 clearly states “Submission of this form constitutes an agreement to pay for the transcription services described herein.”

² This case arises from the City’s conduct after it arrested and charged Mr. Mercer with Theft of Services for allegedly jumping over a subway turnstile. (ECF 56).

The Clerk of Court is respectfully directed to close ECF 55.

SO ORDERED.

Dated: July 28, 2025
New York, New York

/s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge